

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JESSICA PATINO,	:	
	:	Civil Action No.:
Plaintiff,	:	
	:	
v.	:	Jury Demanded
	:	
C & S WHOLESALE, JOHN DOE 1-X,	:	
ABC CORP. 1-X (fictitious names as	:	
Entities are presently unknown),	:	
	:	
Defendants.	:	

**ANSWER OF DEFENDANTS, C & S WHOLESALE  
TO PLAINTIFFS' COMPLAINT AND JURY DEMAND**

Defendants, C & S WHOLESALE, by and through their attorneys, Rawle & Henderson LLP, as for their answer to plaintiffs' complaint and jury demand, respectfully allege upon information and belief as follows:

**FIRST COUNT**

1. Denied. Answering defendants have insufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 1 of Count One of plaintiff's complaint and strict proof is demanded at trial.

2. Denied. Answering defendants deny the truth of the allegations contained in Paragraph 2 of Count One of plaintiff's complaint and strict proof is demanded at trial.

3. Denied. Answering defendants deny the truth of the allegations contained in Paragraph 1 of Count One of plaintiff's complaint and strict proof is demanded at trial.

**WHEREFORE**, answering defendants demand judgment in their favor and against plaintiff, dismissing plaintiff's complaint with prejudice as to answering defendant, together with an award of costs and disbursements incurred by defendants, including attorneys fees together

with such other relief in favor of answering defendant as this Hon. court shall deem appropriate under the circumstances.

**SEPARATE DEFENSES**

1. The complaint fails to state a claim upon which relief can be granted.
2. Plaintiff's damages, if any, were the result of an unavoidable accident or sudden emergency.
3. Plaintiff's damages must be reduced by the percentage of Plaintiff's own comparative and/or contributory negligence.
4. Plaintiff has failed to mitigate her damages.
5. Plaintiff's claims are limited or barred by the terms of the New Jersey Automobile Reform Act, N.J.S.A. 39:6A-I.
6. Defendants breached no duty of care to Plaintiff.
7. The injuries and/or damages alleged by plaintiff are caused solely or in part by Plaintiff's own negligence.
8. No conduct on the part of defendants caused or contributed to Plaintiff's injuries or damages.
9. Any damages sustained by Plaintiff were entirely or substantially caused by the negligence of Plaintiff or the negligence of other persons or parties for whom Defendants had no responsibility.
10. The injuries and/or damages complained of by Plaintiff pre-existed or were sustained subsequent to the accident which is the subject matter of the complaint.
11. Service of Process was improper and/or insufficient.
12. Plaintiff's claims are barred and/or limited by the entire controversy doctrine

as set forth in Rule 4:30A of the New Jersey Rules of Civil Procedure.

13. Plaintiff's claims are barred and/or limited by the applicable Statue of Limitations.

14. Plaintiff's claims against Defendants are barred by the New Jersey law of assumption of the risk.

15. Plaintiff was negligent in failing to wear a seat belt, the non-use of which was the sole cause, or a substantial contributing factor to the cause, of the accident and/or injuries.

**WHEREFORE,** Defendants demand judgment in their favor and against Plaintiff, dismissing Plaintiff's Complaint with prejudice as to Defendants, together with an award of costs and disbursements incurred by Defendants, including attorneys' fees together with such other relief in favor of Defendants as this Honorable Court shall deem appropriate under the circumstances.

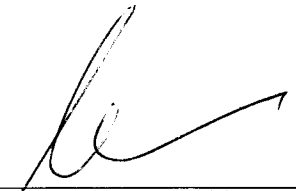
#### ANSWER TO ALL CROSS-CLAIMS

Defendants, C& S WHOLESALE deny all claims for indemnification and/or contribution.

**WHEREFORE,** Defendants demand judgment in their favor and against Plaintiff, dismissing Plaintiff's Complaint with prejudice as to Defendants, together with an award of costs and disbursements incurred by Defendants, including attorneys' fees together with such

other relief in favor of Defendants as this Honorable Court shall deem appropriate under the circumstances.

Dated: New York, New York  
February 12, 2015



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